

REMARKS

Claims 1-19, 56-58, and 62 are pending in the application with claims 1 and 8 amended herein and claims 52, 60, and 61 cancelled herein. Applicant expresses appreciation for the allowance of claims 3-5, 56-58, and 62 and for the indication that claims 8-52 set forth allowable subject matter.

Claims 1, 2, 6, 7, 19, 52, 60-61 stand rejected under U.S.C. § 102 (e) as being anticipated by Yao et al. (U.S. Patent No. 6,679,996). Claim 18 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Yao et al.

Claims 1, 16, and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Tsunashima et al. (U.S. Patent No. 6,784,508) in view of Callegari et al. (U.S. Patent No. 6,573,197). Applicant requests reconsideration.

Page 8 of the Office Action states that claim 8 sets forth allowable subject matter. Claim 1 is amended herein to include a portion of the subject matter from previous claim 8. Namely, amended claim 1 sets forth exposing a first metal-containing layer and a second metal-containing layer to an oxygen comprising atmosphere and heating the first layer and the second layer. The heating occurs to a temperature effective to form a first metal-containing dielectric layer and a second metal-containing dielectric layer. Accordingly, amended claim 1 does not include the subject matter of previous claim 8 regarding the first metal-containing layer being a hafnium-containing layer and the second metal-containing layer being a lanthanum-containing layer. Such subject matter remains in amended claim 8.

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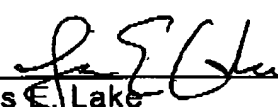
Applicant asserts that none of the cited references, considered alone or in combination, disclose or suggest every limitation of amended claim 1. Also, the Office Action does not allege disclosure or suggestion in the cited references of the exposing and heating set forth in amended claim 1. At least for such reasons, Applicant asserts that claim 1 is patentable over Yao as well as over Tsunashima in view of Callegari. Claims 2, 6, 7, and 16-19 depend from claim 1 and are patentable at least for such reason as well as for the additional limitations of such claims not disclosed or suggested. Claims 52, 60, and 61 are cancelled herein.

Applicant herein establishes adequate reasons supporting patentability of claims 1-19, 56-58, and 62. Applicant requests allowance of all pending claims in the next Office Action.

Respectfully submitted,

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By: _____


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